

March 10, 2024

Honorable Madeline Cox-Arleo, U.S. D. J.
U.S. District Court, D.N.J.
Martin Luther King, Jr.
Federal Building and Courthouse
50 Walnut Street, P.O. Box 999
Newark, NJ 07101-0999

Re: United States v. Bergin, Crim. No.
09-369

Dear Honorable Judge Arleo:

Please accept this supplemental motion to enlarge my ardent-fervent position in my letter brief dated February 18, 2024. Most importantly, please forgive me and do not hold it against either me nor my Attorney Lawrence Lustberg, Esquire for me personally writing you. I write from the inner depths of my heart and soul which tremble from crumbling pain. I am an innocent man.

I am proud to call Larry my friend and love him with the same devotion and intensity as my own brother. He has passion and conviction.

I met Larry in or about 1987 when he was a Federal Public Defender and I was an United States Attorney. We tried United States v. Postmaster Frank Gotto together and he earned my utmost respect. Even though I was lucky enough to attain a conviction he was an devout advocate for his client. He truly impressed me and continues to do so. He is also convinced of my innocence.

I personally write to you because it is impossible to even imagine the heart break, pain, misery and torture endured at this institution, unless you actually live it. The tears shed, distress suffered and even torment borne my innocent loved ones is both immeasurable and unimaginable, unless you personally experience

it. I live it 24 hours per day, and please - I beg you - believe me - it is cruel, sadistic, and beyond comprehension.

As Attachment A of my prior motion-reply delineates and included as exhibit A hereto, the Bureau of Prisons in their sadistic-demented unsound judgment, opines that there is no wrong nor cruelty in making me wait five (5) years to see a Dentist; or receive basic treatment, care and routine examinations. They fail to veraciously enunciate that it takes up to a month to receive emergency care, even when your pain levels exceed 10 on a scale of 1-10. (Ten being the highest). It is impossible to receive basic medical care, despite your symptoms.

The cause and motivation of this letter-motion and plea for assistance is the following:

On occasions too numerous to list we are locked into our seventy (70) square foot cell-torture chamber for extended periods of time and for unjustified, ludicrous and absurd reasons.

For example and attached as exhibits B and C, the White Supremist administration at this institution, believes it is permissible and appropriate to lock me into this cell for five (5) consecutive days and over 150 continuous hours, so prison guards, (while receiving their full pay), can celebrate Correction Officer's week.

During this total lock down, guards get paid for playing golf with executives, as do executives for playing golf with guards; they receive taxpayer dollars, while I am locked in 24 hours a day, 7 days a week, for playing Corn-hole, horseshoes, getting wholly drunk (and then driving home) and engaging in executive sponsored orgies. It is insane but absolutely true. These prison guards are not even law enforcement technically.

What is just as troublesome is that every single federal holiday, when guards are paid holiday pay, inmates are locked into their cells for 40-50 consecutive direct hours. It drives you insane, breaks your

heart and crushes your soul and spirit. It breaks your level of concentration and unends your nerves, causing disabling thoughts.

It causes dysfunction, headaches, depression, emotional, psychological and physical torture by Claustrophobia. You cannot sleep, think, your heart races and you shed streams of tears, while being mocked, scorned and laughed at by executives and guards, whom are getting paid for essentially a no-show job, or while engaging in childish games.

The institution fraudulently certifies that they are complying with the National Food Services menu and prescriptions, when this is wholly false, even criminal. Almost every meal consists of a spoon size (tea-spoon) portion of predominantly Chicken, with White Rice, and Black Beans. This is almost every meal. They starve you, and even guards that are serving you, laugh at what we are fed; knowing this is criminal-abnormal but gotten away with because there is no over-sight. (Emphasis added).

Lastly, the BOP, the prosecutors in the U.S. Attorneys in New Jersey and the FBI Agents assigned to our case, go out of their way to hurt innocent family members. They impede-stymie legal contacts.

I crochet a sweater for my daughter Diana for her 24th Birthday on 22 February. My SAM commands that mail be processed expeditiously and can only be held up for 14 days, if there is investigation required; which has never occurred to me.

The sweater was held up for a month to make sure Diana did not receive it for her Birthday. This was wrong, amoral and corrupt.

On a prior occasion, as already expressed, I sent children's books to my grandchildren for Chanukah on December 7. They held up my books for 75 days and made sure my grandkids did not receive it until the end of January and two(2) months after Chanukah.

None of this is surprising, as Minish and Sanders have

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maliciously and with malicious antisemitism denied me communication with my son. There is much more, but I wanted to give you a brief synopsis of the cruel-sadistic, criminal misconduct and mistreatment, at this "Hell Hole," which evixerates any opportunity to functionally invoke watershed 6th Amendment Rights. Through deliberate acts they destroy any meaningful ability to have any kind of clear thoughts. I need your judicial protections.

Thank you,

Most respectfully,

David G. G. G.

U. S. Department of Justice
Federal Bureau of Prisons
North Central Regional Office

Regional Administrative Remedy Appeal
Part B - Response

Administrative Remedy Number: 1156200-R1

This is in response to your Regional Administrative Remedy Appeal received on May 1, 2023. You allege you have been denied Hepatitis B vaccines, a COVID-19 booster vaccine, and dental care. Additionally, you inquire as to why there is a two-plus year delay for psychology programs. You make no formal request for relief.

We have reviewed the documentation related to your appeal. Based on this review, we concur with the manner in which the Warden addressed your concerns. You have consistently been provided timely and appropriate medical care in accordance with Program Statement 6031.04, Patient Care, Program Statement 6400.03, Dental Services, and the National Drug Formulary. A review of your electronic medical record revealed you were offered a Hepatitis B vaccine on January 19, 2023, which you refused. However, Hepatitis B vaccines were administered on April 14, 2023, and July 6, 2023. Additionally, you received a COVID-19 booster vaccine on July 19, 2023.

Furthermore, a review of your dental record indicates you were added to the National Routine Dental Treatment List on October 1, 2021. Since that time, your dental sick call complaints have been evaluated and treated in accordance with BOP policy. Program Statement 6400.03,

Dental Services, states "Comprehensive dental care may be requested by submitting an Inmate Request to Staff form, or any other means authorized by local policy and procedures. Provided the inmate is eligible for care, the date that the initial request is received is used as the entered date on the Dental Routine Treatment List. Inmates must be on the waiting list for care which will be provided in chronological order. This date follows inmates from one facility to another as a part of a national waiting list." When your name reaches the top of the waiting list, you will be evaluated for routine dental care. Until that time, you are encouraged to utilize dental sick call if you feel your condition has worsened or requires evaluation. Given this, we shall defer diagnostic and treatment interventions to the Health Services staff at the local level.

In accordance with Program Statement 1330.18, Administrative Remedy Program, your concerns pertaining to psychology programming will not be addressed in this response, as they were not raised in your Request for Administrative Remedy (BP-9). Furthermore, one complaint at a time shall be addressed per Administrative Remedy Request, according to Program Statement 1330.18. Therefore, all unrelated issues should be addressed per separate Administrative Remedy Request.

Based on these findings, this response to your Regional Administrative Remedy Appeal is for informational purposes only.

If you are dissatisfied with this response, you may appeal to the Office of General Counsel, Federal Bureau of Prisons, 320 First Street, NW, Washington, DC 20534. Your appeal must be received in the Office of General Counsel within 30 days from the date of this response.

01/31/2024
Date.

A


Andre Matevousian, Regional Director

U.S. Department of Justice

Central Office Administrative Remedy Appeal

Federal Bureau of Prisons

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-229(13) and BP-230(13), including any attachments must be submitted with this appeal.

From: BERGRIN, PAUL W 16235050 H ADC
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

Part A - REASON FOR APPEAL The warden and Region 5 tycoons - impeded my Const'l Rights to the 5th Am Due Process, mandating I seek proof that larceny was not my fault. They are - were inherently cognizant they knowingly - purposely with malice aforethought and intent to deceive lied. Moreover, please notice that my BP8 is missing from my submission and they have refused to provide it to me, despite multiple requests. So is the BP9.
 The facts are wholly irrefutable and well documented. I demand you request an DOJ-IG investigation as the warden in his BP9 lied as did the Regional Director.

Recreation was canceled from June 19-25, 2023 due to Correction officers week. Inmate was sadistically, torturously and depravedly locked in his 70sq ft cell for over 150 consecutive hours, with NO out of cell time, none-the-less 10 hours. FBOP Policy was ignored, disregarded and blatantly violated. IT WAS NOT AFFORDED AS THE MORALLY BANKRUPT LYING NEO-NAZI Region in its BP10 response falsely q-u-e-s.

There was NO emergency, priority or adverse weather. Guards + executives played golf, got drunk liquor, whored around, played corn-hole + pickle-ball. That's their priority. They are sick, retarded, criminals!!!

12DEC23
 DATE

Lying in responses must be not for Bergin
 SIGNATURE OF REQUESTER

Part B - RESPONSE

RECEIVED

DEC 28 2023

Administrative Remedy Section
 Federal Bureau of Prisons

RECEIVED

FEB 14 2024

Administrative Remedies
 Federal Bureau of Prisons

DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

1173445-A2

Part C - RECEIPT

CASE NUMBER:

Return to: B
 LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL



Administrative Remedy No. 1173445-A2
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal, wherein you claim administrative staff at ADX Florence violated your rights during a lockdown. Specifically, you claim inmates were placed on lockdown for 150 hours and operations were modified to restrict recreation during Correctional Workers Week. For relief, you request that staff be held accountable. *

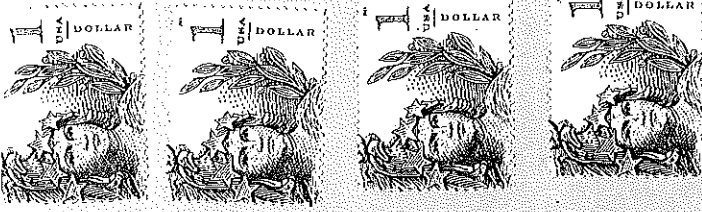
We have reviewed documentation relevant to your appeal and, based on the information gathered, concur with the manner in which the Warden and Regional Director responded to your concerns at the time of your Request for Administrative Remedy and subsequent appeal. The Warden maintains the authority to place the institution on modified operations and restrict out-of-cell exercise due to exigent circumstances pursuant to Institution Supplement FLM 5321.08(3)C, Special Security Unit-(H-Unit). You provide no evidence to substantiate staff violated policy or acted outside the scope of their employment.

Accordingly, this response is provided for informational purposes only.

02-21-2024
Date

T. Barnett
Timothy Barnett, Administrator
National Inmate Appeals

C

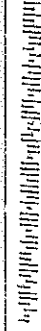


U.S. DISTRICT COURT
DISTRICT OF NEW JERSEY
RECEIVED

2024 APR -3 A 11:03

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cm-24-16235050-0313-mo-033